

SENATE BILL 771

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By: Senators Conway, Colburn, Currie, Ferguson, Forehand, Frosh, Kelley, Klausmeier, Madaleno, Manno, Mathias, McFadden, Middleton, Montgomery, Pinsky, Pugh, Ramirez, Raskin, Young, ~~and Zirkin~~ Zirkin, Benson, and Dyson

Introduced and read first time: February 4, 2011

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: March 28, 2011

CHAPTER _____

1 AN ACT concerning

2 **Education – ~~Student-Athletes~~ Public Schools and Youth Sports Programs –**
3 **Concussions**

4 ~~FOR the purpose of requiring the State Department of Education, in collaboration~~
5 ~~with certain organizations and individuals, to develop certain policies and~~
6 ~~implement a certain program; requiring a certain program to include a certain~~
7 ~~verification process; requiring county boards of education to provide a certain~~
8 ~~information sheet to certain individuals; requiring certain individuals to sign~~
9 ~~certain statements; requiring the Department to create a certain information~~
10 ~~sheet and acknowledgement statement; requiring the removal from play of~~
11 ~~certain student athletes; prohibiting the return to play of certain~~
12 ~~student athletes until certain student athletes receive certain evaluation and~~
13 ~~clearance; requiring youth sports programs to provide certain information to~~
14 ~~county boards under certain circumstances; defining certain terms; and~~
15 ~~generally relating to the development of policies and implementation of a~~
16 ~~program to provide awareness on the nature and risk of concussions.~~

17 FOR the purpose of requiring the State Department of Education, in collaboration
18 with certain entities, to develop certain policies and to implement a certain
19 program to provide awareness to certain coaches, school personnel, students,
20 and parents or guardians of students on the risk of concussions and head
21 injuries; requiring a county board of education to provide certain information

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 and a certain notice to a certain student and parent or guardian; requiring a
 2 student and parent or guardian to sign a certain statement; requiring the
 3 Department to create a certain information sheet and acknowledgment
 4 statement; authorizing the Department to use certain materials; requiring the
 5 removal from play of certain students or youth athletes under certain
 6 circumstances; prohibiting the return to play of certain students or youth
 7 athletes under certain circumstances until a certain condition is met; requiring
 8 a county board, or a third party, to provide certain information to certain
 9 individuals; requiring certain individuals to acknowledge receipt of a certain
 10 information sheet in a certain manner; requiring certain youth sports programs
 11 to provide certain statements of intent to comply to certain county boards of
 12 education or their agents; requiring a youth sports program to make certain
 13 information on concussions and head injuries available to certain coaches, youth
 14 athletes, and the parents or guardians of youth athletes; requiring a local
 15 government to provide a certain notice to a youth sports program under certain
 16 circumstances; defining certain terms; and generally relating to the
 17 development of policies and the implementation of a program on concussions
 18 and head injuries.

19 BY adding to

20 Article – Education

21 Section 7–432

22 Annotated Code of Maryland

23 (2008 Replacement Volume and 2010 Supplement)

24 BY adding to

25 Article – Health – General

26 Section 14–501 to be under the new subtitle “Subtitle 5. Youth Sports
 27 Programs”

28 Annotated Code of Maryland

29 (2009 Replacement Volume and 2010 Supplement)

30 Preamble

31 WHEREAS, A concussion is one of the most commonly reported injuries in
 32 children and adolescents who participate in sports and recreational activities; and

33 WHEREAS, The Centers for Disease Control and Prevention estimates that as
 34 many as 3,900,000 sports–related and recreation–related concussions occur in the
 35 United States each year; and

36 WHEREAS, A concussion is a type of brain injury that may range from mild to
 37 severe and can disrupt the way the brain normally works; and

38 WHEREAS, A concussion may occur in any organized or unorganized sport or
 39 recreational activity and may result from a fall or from players colliding with each
 40 other, the ground, or other obstacles; and

1 WHEREAS, A concussion may occur with or without loss of consciousness, but
2 the vast majority of concussions occur without loss of consciousness; and

3 WHEREAS, Continuing to play with a concussion or symptoms of head injury
4 leaves a young athlete especially vulnerable to greater injury and even death; now,
5 therefore,

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
7 MARYLAND, That the Laws of Maryland read as follows:

8 **Article – Education**

9 **7-432.**

10 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
11 MEANINGS INDICATED.

12 (2) “CONCUSSION” MEANS A TRAUMATIC INJURY TO THE BRAIN
13 CAUSING AN IMMEDIATE AND, USUALLY, SHORT-LIVED CHANGE IN MENTAL
14 STATUS OR AN ALTERATION OF NORMAL CONSCIOUSNESS RESULTING FROM:

15 (I) A FALL;

16 (II) A VIOLENT BLOW TO THE HEAD OR BODY; OR

17 (III) THE SHAKING OR SPINNING OF THE HEAD OR BODY.

18 ~~(3) “STUDENT ATHLETE” MEANS AN INDIVIDUAL WHO IS 17~~
19 ~~YEARS OLD OR YOUNGER OR WHO IS A PHYSICALLY OR MENTALLY DISABLED~~
20 ~~INDIVIDUAL OF ANY AGE WHO PARTICIPATES IN AN ATHLETIC ACTIVITY IN~~
21 ~~ASSOCIATION WITH:~~

22 ~~(I) AN EDUCATIONAL INSTITUTION; OR~~

23 ~~(II) A NONINTERSCHOLASTIC YOUTH SPORTS PROGRAM~~
24 ~~CONDUCTED:~~

25 ~~1. AT A PUBLIC SCHOOL FACILITY; OR~~

26 ~~2. BY A RECREATIONAL ATHLETIC ORGANIZATION.~~

27 ~~(4) (3)~~ “YOUTH SPORTS PROGRAM” MEANS A PROGRAM
28 ORGANIZED FOR RECREATIONAL ATHLETIC COMPETITION OR INSTRUCTION
29 FOR PARTICIPANTS WHO ~~ARE:~~

1 ~~(I) UNDER THE AGE OF 18 YEARS; OR~~

2 ~~(II) PHYSICALLY OR MENTALLY DISABLED REGARDLESS OF~~
 3 ~~AGE.~~ ARE UNDER THE AGE OF 19 YEARS.

4 (B) (1) ~~THE DEPARTMENT, IN COLLABORATION WITH THE~~
 5 ~~DEPARTMENT OF HEALTH AND MENTAL HYGIENE, EACH COUNTY BOARD, THE~~
 6 ~~MARYLAND PUBLIC SECONDARY SCHOOLS ATHLETIC ASSOCIATION, THE~~
 7 ~~MARYLAND ATHLETIC TRAINERS ASSOCIATION, THE BRAIN INJURY~~
 8 ~~ASSOCIATION OF MARYLAND, AND REPRESENTATIVES OF LICENSED HEALTH~~
 9 ~~CARE PROVIDERS WHO TREAT CONCUSSIONS,~~ SHALL DEVELOP POLICIES AND
 10 IMPLEMENT A PROGRAM TO PROVIDE AWARENESS TO COACHES, SCHOOL
 11 PERSONNEL, ~~STUDENT ATHLETES~~ STUDENTS, AND THE PARENTS OR
 12 GUARDIANS OF ~~STUDENT ATHLETES~~ STUDENTS, IN COLLABORATION WITH THE
 13 DEPARTMENT OF HEALTH AND MENTAL HYGIENE, EACH COUNTY BOARD, THE
 14 MARYLAND PUBLIC SECONDARY SCHOOLS ATHLETIC ASSOCIATION, THE
 15 MARYLAND ATHLETIC TRAINERS' ASSOCIATION, THE BRAIN INJURY
 16 ASSOCIATION OF MARYLAND, AND REPRESENTATIVES OF LICENSED HEALTH
 17 CARE PROVIDERS WHO TREAT CONCUSSIONS, ON:

18 (I) THE NATURE AND RISK OF A CONCUSSION AND HEAD
 19 INJURY;

20 (II) THE CRITERIA FOR REMOVAL FROM AND RETURN TO
 21 PLAY;

22 (III) THE RISKS OF NOT REPORTING INJURY AND
 23 CONTINUING TO PLAY; AND

24 (IV) ~~THE APPROPRIATE~~ APPROPRIATE ACADEMIC
 25 ACCOMMODATIONS FOR ~~STUDENT ATHLETES WHO ARE SUSPECTED OF~~
 26 ~~SUSTAINING~~ STUDENTS DIAGNOSED AS HAVING SUSTAINED A CONCUSSION OR
 27 OTHER HEAD INJURY.

28 (2) THE PROGRAM SHALL INCLUDE A PROCESS TO VERIFY THAT A
 29 COACH HAS RECEIVED INFORMATION ON THE PROGRAM DEVELOPED UNDER
 30 PARAGRAPH (1) OF THIS SUBSECTION.

31 (3) (I) ~~BEFORE A STUDENT-ATHLETE~~ BEFORE A STUDENT ENROLLED IN
 32 A PUBLIC SCHOOL SYSTEM IN THE STATE MAY PARTICIPATE IN AN AUTHORIZED
 33 INTERSCHOLASTIC ATHLETIC ACTIVITY, THE COUNTY BOARD SHALL PROVIDE A
 34 CONCUSSION AND HEAD INJURY INFORMATION SHEET TO THE

1 ~~STUDENT-ATHLETE~~ STUDENT AND A PARENT OR GUARDIAN OF THE
2 ~~STUDENT-ATHLETE~~ STUDENT.

3 (II) THE ~~STUDENT-ATHLETE~~ STUDENT AND THE PARENT OR
4 GUARDIAN OF THE ~~STUDENT-ATHLETE~~ STUDENT SHALL SIGN A STATEMENT
5 ACKNOWLEDGING RECEIPT OF THE INFORMATION SHEET.

6 (III) THE DEPARTMENT SHALL CREATE THE INFORMATION
7 SHEET AND ACKNOWLEDGMENT STATEMENT REQUIRED UNDER THIS
8 PARAGRAPH.

9 (4) THE DEPARTMENT MAY USE MATERIALS AVAILABLE FROM
10 THE CENTERS FOR DISEASE CONTROL AND PREVENTION, THE BRAIN INJURY
11 ASSOCIATION OF MARYLAND, OR ANY OTHER APPROPRIATE ~~SOURCE TO~~
12 ~~FULFILL~~ ENTITY TO CARRY OUT THE REQUIREMENTS OF THIS SUBSECTION.

13 (C) (1) A ~~STUDENT-ATHLETE~~ STUDENT WHO IS SUSPECTED OF
14 SUSTAINING A CONCUSSION OR ANY OTHER HEAD INJURY IN A PRACTICE OR
15 GAME SHALL BE REMOVED FROM PLAY AT THAT TIME.

16 (2) A ~~STUDENT-ATHLETE~~ STUDENT WHO HAS BEEN REMOVED
17 FROM PLAY MAY NOT RETURN TO PLAY UNTIL THE ~~STUDENT-ATHLETE~~ STUDENT
18 HAS OBTAINED WRITTEN CLEARANCE BY A LICENSED HEALTH CARE PROVIDER
19 TRAINED IN THE EVALUATION AND MANAGEMENT OF CONCUSSIONS ~~AND HEAD~~
20 ~~INJURY~~.

21 (D) (1) BEFORE AN INDIVIDUAL PARTICIPATES IN AN AUTHORIZED
22 ATHLETIC ACTIVITY ON SCHOOL PROPERTY, THE COUNTY BOARD SHALL
23 PROVIDE, OR REQUIRE THAT A THIRD PARTY PROVIDE:

24 (I) INFORMATION ON CONCUSSIONS AND HEAD INJURIES
25 TO THE INDIVIDUAL AND, IF APPLICABLE, A PARENT OR GUARDIAN OF THE
26 INDIVIDUAL; AND

27 (II) NOTICE THAT ACKNOWLEDGMENT OF THE RECEIPT OF
28 THE INFORMATION BY THE INDIVIDUAL AND, IF APPLICABLE, THE PARENT OR
29 GUARDIAN OF THE INDIVIDUAL, IS REQUIRED.

30 (2) THE INFORMATION REQUIRED UNDER PARAGRAPH (1) OF
31 THIS SUBSECTION SHALL BE IN THE FORM OF:

32 (I) A SEPARATE INFORMATION SHEET; OR

1 (II) A NOTICE ON THE REGISTRATION FORM FOR A YOUTH
 2 SPORTS PROGRAM STATING THAT INFORMATION ON CONCUSSION AND HEAD
 3 INJURY IS AVAILABLE, INCLUDING DIRECTIONS ON HOW TO RECEIVE THE
 4 INFORMATION ELECTRONICALLY.

5 (3) THE INDIVIDUAL AND, IF APPLICABLE, THE PARENT OR
 6 GUARDIAN OF THE INDIVIDUAL SHALL:

7 (I) ACKNOWLEDGE RECEIPT OF THE INFORMATION ~~SHEET~~
 8 BY:

- 9 1. SIGNATURE;
- 10 2. CHECKING AN ACKNOWLEDGMENT BOX ON THE
 11 REGISTRATION FORM; OR
- 12 3. ANOTHER METHOD OF WRITTEN OR ELECTRONIC
 13 ACKNOWLEDGMENT; AND

14 (II) RETURN THE ACKNOWLEDGMENT TO THE COUNTY
 15 BOARD OR THIRD PARTY.

16 ~~(D) (E) BEFORE THE FIRST USE OF A PUBLIC SCHOOL FACILITY, A A~~
 17 YOUTH SPORTS PROGRAM SHALL PROVIDE THAT USES A PUBLIC SCHOOL
 18 FACILITY SHALL PROVIDE ANNUALLY TO THE COUNTY BOARD OR THE BOARD'S
 19 AGENT A STATEMENT OF COMPLIANCE INTENT TO COMPLY FOR ALL OF ITS
 20 ATHLETIC ACTIVITIES WITH THE REQUIREMENTS FOR THE MANAGEMENT OF A
 21 CONCUSSION OR OTHER HEAD INJURY OF A ~~STUDENT-ATHLETE~~ PARTICIPANT
 22 UNDER ~~SUBSECTION (C) OF THIS SECTION.~~

23 Article – Health – General

24 SUBTITLE 5. YOUTH SPORTS PROGRAMS.

25 14-501.

26 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
 27 MEANINGS INDICATED.

28 (2) "CONCUSSION" MEANS A TRAUMATIC INJURY TO THE BRAIN
 29 CAUSING AN IMMEDIATE AND, USUALLY, SHORT-LIVED CHANGE IN MENTAL
 30 STATUS OR AN ALTERATION OF NORMAL CONSCIOUSNESS RESULTING FROM:

31 (I) A FALL;

1 **(II) A VIOLENT BLOW TO THE HEAD OR BODY; OR**

2 **(III) THE SHAKING OR SPINNING OF THE HEAD OR BODY.**

3 **(3) “YOUTH ATHLETE” MEANS AN INDIVIDUAL WHO**
4 **PARTICIPATES IN AN ATHLETIC ACTIVITY IN ASSOCIATION WITH A YOUTH**
5 **SPORTS PROGRAM CONDUCTED:**

6 **(I) AT A PUBLIC SCHOOL FACILITY; OR**

7 **(II) BY A RECREATIONAL ATHLETIC ORGANIZATION.**

8 **(4) “YOUTH SPORTS PROGRAM” MEANS A PROGRAM ORGANIZED**
9 **FOR RECREATIONAL ATHLETIC COMPETITION OR INSTRUCTION FOR**
10 **PARTICIPANTS WHO ARE UNDER THE AGE OF 19 YEARS.**

11 **(B) (1) A YOUTH SPORTS PROGRAM SHALL MAKE AVAILABLE**
12 **INFORMATION ON CONCUSSIONS AND HEAD INJURIES DEVELOPED BY THE**
13 **STATE DEPARTMENT OF EDUCATION UNDER § 7-432 OF THE EDUCATION**
14 **ARTICLE TO COACHES, YOUTH ATHLETES, AND THE PARENTS OR GUARDIANS OF**
15 **YOUTH ATHLETES.**

16 **(2) A COACH OF A YOUTH SPORTS PROGRAM SHALL REVIEW THE**
17 **INFORMATION PROVIDED IN PARAGRAPH (1) OF THIS SUBSECTION.**

18 **(C) (1) A YOUTH ATHLETE WHO IS SUSPECTED OF SUSTAINING A**
19 **CONCUSSION OR OTHER HEAD INJURY IN A PRACTICE OR GAME SHALL BE**
20 **REMOVED FROM PLAY AT THAT TIME.**

21 **(2) A YOUTH ATHLETE WHO HAS BEEN REMOVED FROM PLAY MAY**
22 **NOT RETURN TO PLAY UNTIL THE YOUTH ATHLETE HAS OBTAINED WRITTEN**
23 **CLEARANCE FROM A LICENSED HEALTH CARE PROVIDER TRAINED IN THE**
24 **EVALUATION AND MANAGEMENT OF CONCUSSIONS.**

25 **(D) BEFORE A YOUTH SPORTS PROGRAM MAY USE A FACILITY OWNED**
26 **OR OPERATED BY A LOCAL GOVERNMENT, THE LOCAL GOVERNMENT SHALL**
27 **PROVIDE NOTICE TO THE YOUTH SPORTS PROGRAM OF THE REQUIREMENTS OF**
28 **THIS SECTION.**

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 July 1, 2011.